

03 63. (Once Amended) The assembly according to claim 57, wherein the slots are disposable at a level with corners of a jaw of the patient with the assembly fixing the tube to the patient's mouth.

03 66. (Once Amended) The assembly according to claim 64, wherein the cap is extendible over the patient's head with the assembly fixing the tube to the patient's mouth, the cap comprising means for attachment of care or monitor lines at a front or upper side thereof.

67. (Once Amended) The assembly according to claim 55, wherein the means for hingeable movement provides for hingeable movement for the second tube clamping member about an axis that is substantially parallel to the tube when the tube is received in the tube clamping means.

04 73. (Once Amended) The assembly according to claim 72, wherein the slots are aligned.

05 75. (Once Amended) The assembly according to claim 56, wherein the positioning plate is conformable to the patient's face.

A clean copy of the amended claims is attached hereto as Attachment A.

#### REMARKS

Claims 55-85 are currently pending in the present application. The Examiner has: (1) rejected claims 60, 67, and 73 under 35 U.S.C. §112 ¶2; (2) rejected claims 63, 66, and 75 under 35 U.S.C. §101; (3) rejected claims 55-56, 67-71, 75, and 81-85 under 35 U.S.C. §102; and (4) rejected claims 72-74, 76, 79-80, 82 and 85 under 35 U.S.C. §103(a). The Examiner indicated that claims 57-59, 61-66, and 77-78 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant thanks the Examiner for so indicating, however, for the reasons presented below, Applicant urges that independent claim 55 is directed to patentable subject matter. By this amendment, Applicant has amended claims 60, 63, 66, 67, 73 and 75. Applicant urges that claims 55-85, as amended are in condition for allowance.